Workplace Safety and Insurance Appeals Tribunal

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Tribunal d'appel de la sécurité professionnelle et de l'assurance contre les accidents du travail

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Ontario

Workplace Safety and Insurance Appeals Tribunal

Quarterly Production and Activity Report

April 1 to June 30, 2016

Caseload Reduction: Update and Progress 2
Case Management Summary 3
Production Tables and Charts 4

Caseload Reduction: Update and Progress

The Tribunal is working to reduce the caseload and improve the time to hearing and appeal resolution. This work is showing positive results: the active inventory declined during the first half of 2016.

The trends are moving in the right direction:

- there are more adjudicators on the roster;
- more cases were resolved in the first half of 2016 than the same period last year;
- the number of incoming appeals has decreased from peak years; and
- the active inventory declined in the first half of 2016.

What to expect in 2016:

- new Vice-Chairs joining the OIC team;
- an increase in the number of hearings and decisions; and
- a continued focus on reasoned decisions.

Timelines in 2016:

- as the active inventory declines, timelines to hearing will gradually improve.
- the quarterly activity report now includes the percent of cases closed in 12 and 18 months so the community can better observe progress.
- The time to first offered hearing date was 18.5 months in the first half of 2016 (from the time of appeal confirmation).

Background:

A high number of incoming appeals from the WSIB has caused a high active inventory at WSIAT. The high number of incoming appeals then resulted in waves of cases that move through the stages of the Tribunal's process. The caseload has progressed through the earliest (notice) stage and is now focused in the area prior to scheduling. This is a reasonable stage at which to balance the flow of cases to hearing while mitigating the risk of adjournment.

If there are questions about timelines in a particular case, please contact the Tribunal's Call Centre at 416-314-8800.

Representatives are asked to avoid late or last minute adjournment requests and withdrawals. Providing sufficient notice of concerns with a hearing date enables the Tribunal to reallocate adjudicator resources to other appeals and effectively use adjudicator time.

As an adjudicative agency in Ontario, and the final level of appeal in the WSI system, the Tribunal focusses on quality adjudication and reasoned decisions, supported by strong process, developed and implemented consistent with the rules of natural justice. These pillars promote finality in the workplace safety and insurance system.

Thank you for your support and cooperation as the Tribunal works to reduce the timelines.

Case Management Summary

At the end of the second quarter 2016, the active inventory decreased to 8,938 appeals. The active inventory at the end of the first quarter in 2016 was 9,300 appeals.

Incoming Appeals

Incoming appeals for Q2-2016 numbered 954; of these, 854 were appeals from WSIB decisions, and 100 appellants advised they were ready to proceed to hearing following a period of inactive status. In 2015, incoming appeals averaged 1,097 per quarter.

The weekly average of hearing-ready appellants for the first half of 2016 is 74.3. This figure excludes cases reactivated from the Inactive status. In 2015, the weekly average of hearing-ready appellants was 76, excluding reactivations.

Dispositions

Dispositions in the second quarter of 2016 totaled 1,323. This includes 411 dispositions in the pre-hearing areas resulting from dispute-resolution (ADR) efforts, and 912 after-hearing dispositions; of the after-hearing dispositions, 890 followed from Tribunal decisions.

Vice-Chair Roster

During the first half of 2016, the Tribunal received 10 part time Vice-Chair appointments and 2 part time Member appointments. By the end of June 2016, the Vice-Chair complement reached 63.

Inactive Inventory

At the end of Q2-2016, the inactive inventory was 1,783 cases. The inactive inventory at the end of the first quarter in 2016 was 1,756 cases.

Decisions Released within 120 Days

For the year to date ending Q2-2016, 92% of final decisions were released within 120 days. Comparisons to earlier years can be found in section F: Production Charts.

The Notice of Appeal Process

The Tribunal's Notice of Appeal (NOA) process places responsibility in the hands of the parties and representatives to advance a case, and requires appellants to confirm their readiness to proceed (by filing a Confirmation of Appeal) with their appeals within two years of completing the NOA.

The NOA inventory includes cases that would previously have been closed as inactive by Tribunal intervention. These "dormant" cases are tracked as part of the Tribunal's case management. Many are expected to close as abandoned appeals after a two-year period expires. At the end of the second quarter of 2016, the notice inventory included 1,152 dormant cases, the active inventory totaled 8,938 cases, and the inactive inventory totaled 1,783 cases.

Production Tables and Charts

A. Active Inventory End of Quarter

Period	Active Inventory
Q1-2015	9089
Q2-2015	9312
Q3-2015	9407
Q4-2015	9434
Q1-2016	9300
Q2-2016	8938

B. Incoming Appeals

Period	Incoming Appeals
Q1-2015	1159
Q2-2015	1149
Q3-2015	1026
Q4-2015	1054
Q1-2016	969
Q2-2016	954

C. Dispositions

Period	Dispositions – Total	Pre-hearing	After Hearing
Q1-2015	1001	330	671
Q2-2015	1046	330	716
Q3-2015	1045	330	715
Q4-2015	1164	360	804
Q1-2016	1217	398	819
Q2-2016	1323	411	912

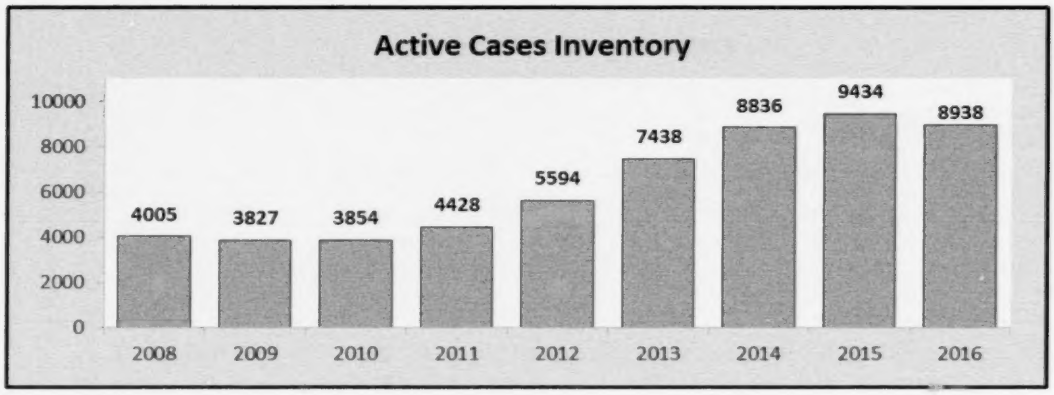
D. Inactive Inventory

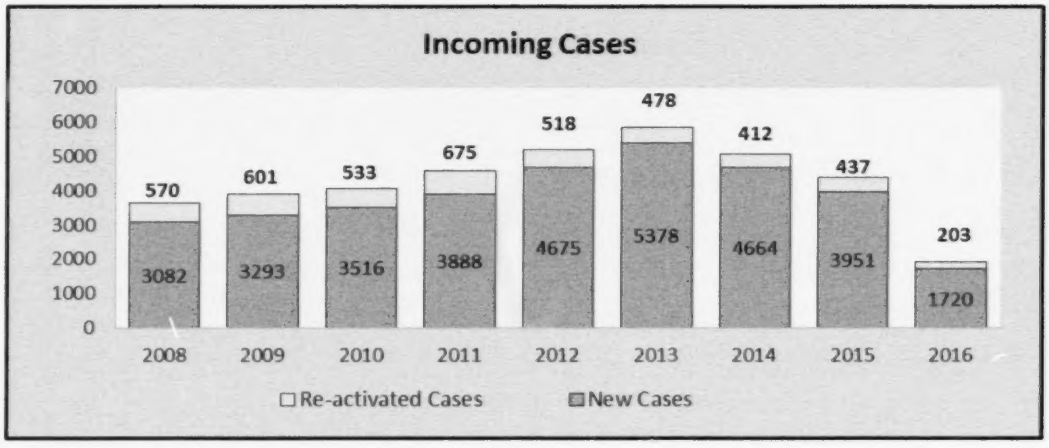
Period	Inactive Inventory
Q1-2015	2006
Q2-2015	1890
Q3-2015	1798
Q4-2015	1749
Q1-2016	1756
Q2-2016	1783

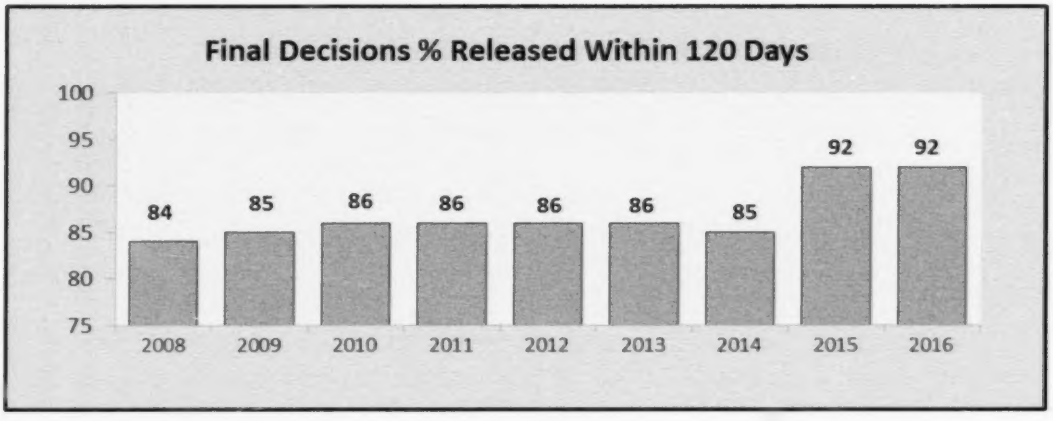
E. Notice of Appeal (Dormant cases)

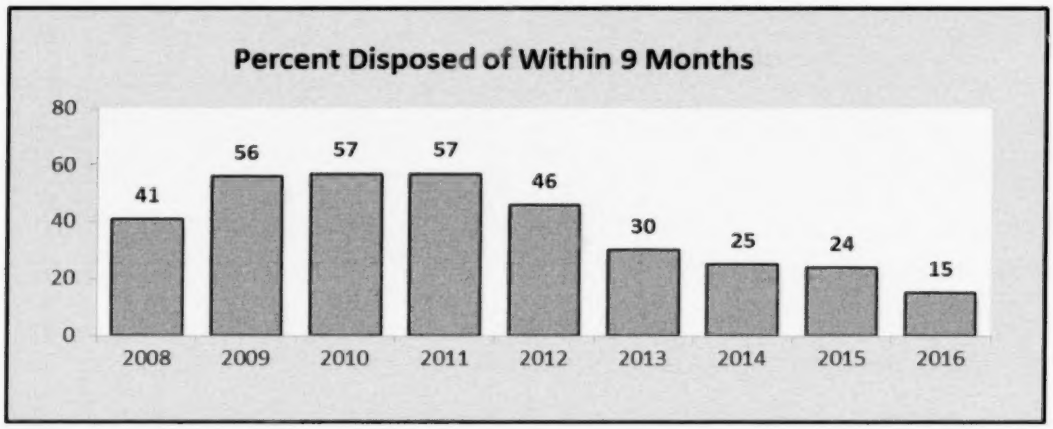
Period	Total Dormant	Change from Previous Quarter
Q1-2015	1644	-95
Q2-2015	1524	-120
Q3-2015	1410	-114
Q4-2015	1273	-137
Q1-2016	1159	-114
Q2-2016	1152	-7

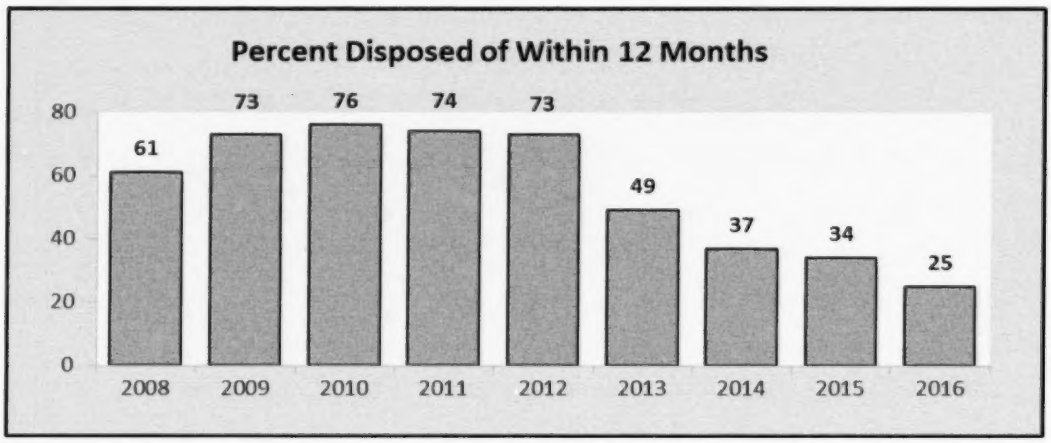
F. Production Charts: From 2008 to 2016

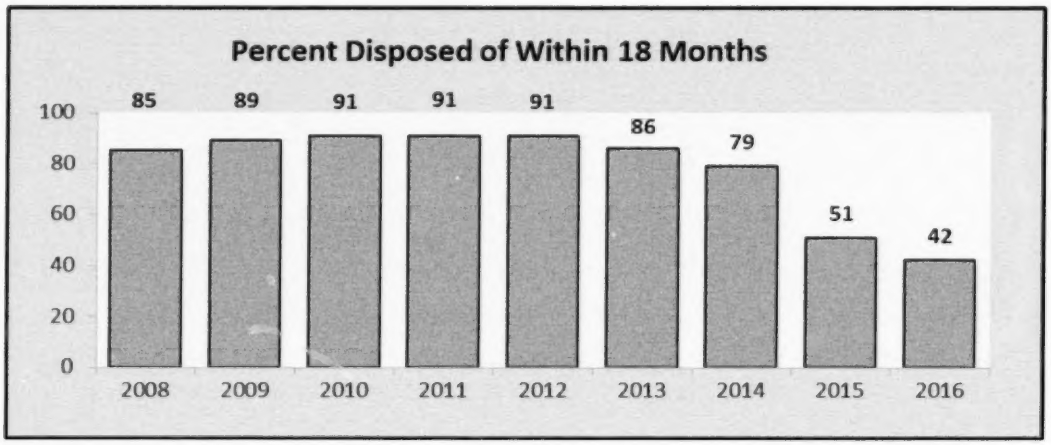


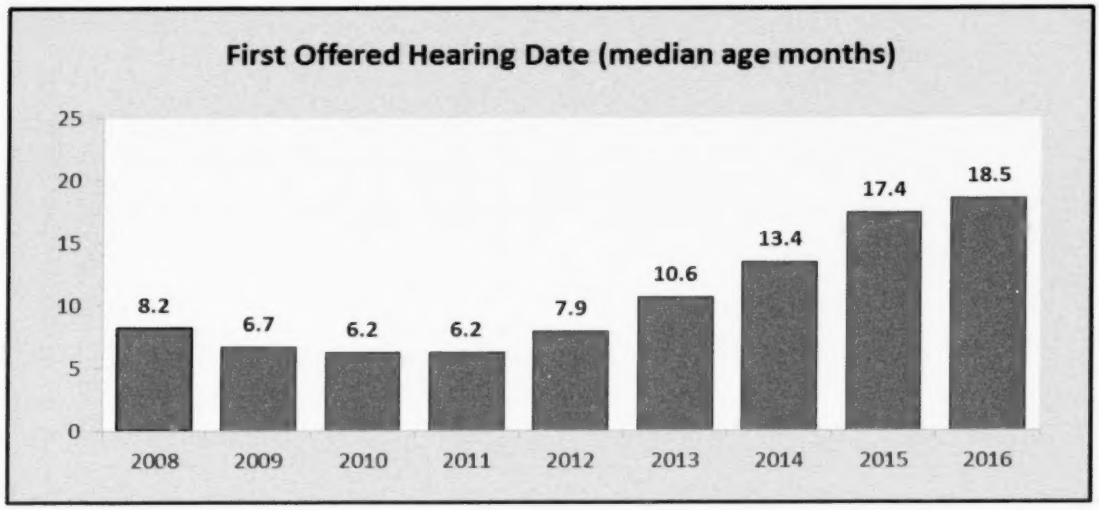





Percent Disposed of Within 9 Months
80
60
40
20
0
41
56
57
57
46
30
25
24
15
2008
2009
2010
2011
2012
2013
2014
2015
2016


Percent Disposed of Within 12 Months
80
60
40
20
0
61
73
76
74
73
49
37
34
25
2008
2009
2010
2011
2012
2013
2014
2015
2016


Percent Disposed of Within 18 Months
100
80
60
40
20
0
85
89
91
91
91
86
79
51
42
2008
2009
2010
2011
2012
2013
2014
2015
2016



WSIAT
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